

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Judith Thorkelson, Karen Walhof, Gayle Aldrich, and Jean K. Stanley, individually and on behalf of all others similarly situated,

Plaintiffs,
vs.

Publishing House of the Evangelical Lutheran Church in America, d/b/a Augsburg Fortress Publishers, Beth Lewis, John Rahja, Sandra Middendorf, Evangelical Lutheran Church In America, (“ELCA”) and John or Jane Doe #1-28,

Court File No. 10cv1712 (MJD/JSM)

**DEFENDANT'S AMENDED
NOTICE OF PROPOSED
SETTLEMENT**

Defendants.

To: The Attorney General of the United States; the Attorneys General of the States of Alabama, Arizona, California, Colorado, the District of Columbia, Delaware, Florida, Georgia, Iowa, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

On November 19, 2012, Defendants served a Notice of Proposed Settlement regarding the above-captioned class action (the “Original Notice”). Based on recently discovered information, Defendants have amended Appendices 4 and 5 to the Original Notice. The changes to these appendices relate to the following states: Alabama, California, Colorado, Indiana, Iowa, Louisiana, Minnesota, Nebraska, New Jersey, Pennsylvania, and Tennessee. The Paragraphs 2, 3, and 9 have been amended to reflect events occurring since the Original Notice was served. The calculation of the estimated proportionate share of the claims to the entire settlement has been updated to reflect these revisions in Paragraph 8.

AMENDED NOTICE OF PROPOSED SETTLEMENT

In accordance with the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C.

§ 1715(b), Defendants Publishing House of the Evangelical Lutheran Church in America d/b/a Augsburg Fortress Publishers, Beth Lewis, John Rahja, Sandra Middendorf, and Evangelical Lutheran Church in America (collectively, the "Defendants") hereby notify you that a proposed settlement (the "Settlement") was filed on November 9, 2012 in the above-captioned class action pending in the United States District Court for the District of Minnesota.

With respect to the matters listed in subdivisions (1) through (8) of 28 U.S.C. § 1715(b), the Defendants state as follows:

(1) A copy of the Complaint is attached to the Original Notice as Appendix 1.

Exhibits that were filed with the Complaint may be electronically accessed on PACER at <http://pacer.uscourts.gov/cgi-bin/links.pl>.

(2) A hearing on Plaintiffs' motion for preliminary approval of settlement, conditional certification of settlement class, approval of class notice and setting final approval hearing before Chief Judge Michael J. Davis took place on November 30, 2012, at 9:30 a.m. at the United States Courthouse, Courtroom 15E at 300 South Fourth Street, Minneapolis, Minnesota. The motion and the notice of that hearing are attached to the Original Notice as Appendix 2. The Court's order dated November 30, 2012 granting preliminary approval is attached to this Amended Notice as Appendix 6.

A hearing on a motion for final approval of the settlement before Chief Judge Michael J. Davis is scheduled to take place on April 5, 2013, at 9:30 a.m. at the United States Courthouse, Courtroom 15E at 300 South Fourth Street, Minneapolis, Minnesota.

(3) A copy of the notice sent to class members of the Settlement of the class action and their right to request exclusion from the class action is attached to this Amended Notice as Appendix 7.

(4) The Settlement is described in the Stipulation and Agreement of Settlement (the "Stipulation") which is attached to the Original Notice as Appendix 3.

(5) Other than the Stipulation identified in subparagraph (4) there are no settlement or other agreements contemporaneously made between class counsel and counsel for Defendants with regard to this action.

(6) There has been no final judgment or notice of dismissal filed in the action.

(7) There are approximately 485 class members, approximately 300 of whom reside in the State of Minnesota. The following calculations assume that out of the total settlement amount fees and costs will be awarded to Plaintiffs' counsel and that incentive awards will be awarded to the named class representatives as described in the Stipulation identified in subparagraph (4).

(8) The estimated proportionate share of the claims to the entire settlement for members of the class now believed to be residing in Minnesota is approximately 65%. The estimated proportionate share of the claims to the entire settlement for members of the class now believed to be residing in Ohio is approximately 9%. For members of the class now believed to be residing in each of the following states, the estimated proportionate share of the claims to the entire settlement is approximately between 1% and 5%: California, Illinois, Pennsylvania, Texas, Washington, and Wisconsin. For members of the class now believed to be residing in each of the following states, the estimated proportionate share of the claims to the entire settlement is less than 1%: Alabama, Arizona, Colorado, the District of Columbia,

Delaware, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Utah, and Virginia. The documents attached to this Amended Notice as Appendices 4 and 5 set forth the name of each class member now believed to be residing in each state. Appendix 4 lists Minnesota class members. Appendix 5 lists class members for all other states, alphabetically by state.

(9) There has been no written judicial opinion relating to the materials described under subparagraphs (3) through (6) above, except for the order referred to in Paragraph (2) above (Appendix 6).

Dated: December 21, 2012

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Dated: December 21, 2012

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